

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL K. TRAMP,

Defendant.

8:10CR352

**MEMORANDUM AND ORDER**

This matter is before the Court on the Defendant's "Petition Seeking Judicial Recommendation to Bureau of Prisons to Recalculate Good Conduct Time Amendment Enacted in the First Step Act Promptly," ECF No. 42.

The First Step Act, Pub. L. No. 115-391, 132 Stat. 5194 (2018), among many other things, amended 18 U.S.C. § 3624(b)(1) to modify the method by which the Bureau of Prisons is required to calculate inmate good time credits. Tramp contends the Bureau of Prisons has delayed implementation of the new good time calculation because the Bureau erroneously interprets the First Step Act's amendment of § 3624(b)(1), in Section 102 of the Act, to be contingent upon other provisions in Section 102.

While this Court retains jurisdiction over matters concerning the imposition of the sentence in this case, it does not have jurisdiction over matters concerning the Defendant's conditions of confinement or the execution of his sentence. See, e.g., *DeSimone v. Lacy*, 805 F.2d 321, 323 (8th Cir. 1986) (stating "only matters concerning the conditions of confinement or the execution of a sentence are within the subject matter jurisdiction of the court presiding in the district in which a prisoner is incarcerated[,]" and that "[a] district court does not have subject matter jurisdiction over issues concerning the

imposition of a sentence by another district court . . . .") (citing *Lee v. United States*, 501 F.2d 494, 499-500 (8th Cir. 1974); *Gravink v. United States*, 549 F.2d 1152 (8th Cir. 1977); *United States v. Fraser*, 688 F.2d 56 (8th Cir. 1982)). Accordingly, if the Defendant wishes to challenge the Bureau of Prisons' calculation of his good time credits, the speed at which the good time is credited, or the Bureau's interpretation of Section 102 of the First Step Act, he must bring any such challenge in the district court having jurisdiction over the facility in which he resides.

Accordingly,

IT IS ORDERED:

1. The Defendant's "Petition Seeking Judicial Recommendation to Bureau of Prisons to Recalculate Good Conduct Time Amendment Enacted in the First Step Act Promptly," ECF No. 42, is denied, without prejudice; and
2. The Clerk will mail a copy of this Memorandum and Order to the Defendant at his last known address.

Dated this 11<sup>th</sup> day of June 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge